

By: Bivins

S.B. No. 58

A BILL TO BE ENTITLED

AN ACT

relating to property rights in and the establishment of a wildlife management area along and in the vicinity of the Canadian River bed; making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DECLARATION OF POLICY. The closing of Sanford Dam on the Canadian River in 1965 changed the normal flow of water downstream from the dam, which has prevented, in certain areas, the effective application of the gradient method of locating river boundaries and consequently has created confusion and uncertainty as to the titles to surface and minerals in the area lying between the pre-1965 gradient boundaries of the river and the river's current normal flow. The purposes of this Act are to establish a method by which the rights and titles of the State of Texas and its permanent school fund can be recognized, protected, and stabilized, and by which access by riparian owners to the flowing water in the river, as contemplated by original patents under which the riparian owners hold title, can be fairly and reasonably effected and to establish a wildlife management area along and in the vicinity of the Canadian River.

SECTION 2. SCOPE OF ACT. This Act applies only to the following segments of the Canadian River:

(1) Segment 1. That segment of the Canadian River lying between the pre-1965 gradient boundary lines which extends

1 from the intersection of the north gradient boundary line with the
2 east line of Section 2, Block A, H&GN RR Co. Survey Roberts County
3 upriver to such boundary's intersection with the west line of
4 Section 13, Block 47, H&TC RR Co. Survey Hutchinson County, and
5 from the intersection of the south gradient boundary line with the
6 east line of Section 1, Block 46, H&TC RR Co. Survey Roberts County
7 upriver to such boundary's intersection with the west line of
8 Section 54, Block 46, H&TC RR Co. Survey Hutchinson County.

9 (2) Segment 2. That segment of the Canadian River
10 lying between the pre-1965 gradient boundary lines which extends
11 from the intersection of the north gradient boundary line with the
12 west line of Section 13, Block 47, H&TC RR Co. Survey Hutchinson
13 County upriver to such boundary's intersection with the west
14 right-of-way line of Highway 136, such point having a coordinate
15 value of $X = 2,024,339.274$ feet; $Y = 631,474.902$ feet, Texas State
16 Plane Coordinate System, Lambert Projection, North Zone and the
17 south gradient boundary which extends from the intersection of such
18 boundary with the west line of Section 54, Block 46, H&TC RR Co.
19 Survey Hutchinson County upriver to such boundary's intersection
20 with the west right-of-way line of State Highway 136 in Section 69,
21 Block 46, H&TC RR Co. Survey, Hutchinson County, Texas.

22 (3) Segment 3. A tract containing 1678.817 acres of
23 the Canadian River bed between H&TC Blocks 46 and 47 from Sanford
24 Dam easterly downstream to the west right-of-way line of State
25 Highway 136 as more particularly described in the field notes of a
26 gradient boundary survey of such tract by licensed land surveyor
27 D. D. Shine, on file in the General Land Office.

1 SECTION 3. DEFINITIONS. In this Act:

2 (1) "Center line between the pre-1965 gradient
3 boundary lines" means a line surveyed and marked by the General
4 Land Office that runs the length of the segments of the Canadian
5 River subject to this Act and is equidistant from the north and
6 south pre-1965 gradient boundary lines of the Canadian River, the
7 field notes of which have been approved and are on file in the
8 General Land Office on the effective date of this Act.

9 (2) "Center line of the main channel of the normal
10 flow of the river" means a line equidistant from the edges of the
11 water flowing in the main channel of the normal flow of the river.

12 (3) "Commissioner" means the commissioner of the
13 General Land Office.

14 (4) "Normal flow of the river" means the highest
15 elevation that the flowing water of the Canadian River reaches and
16 maintains for a sufficient length of time to be characteristic of
17 the river in its ordinary, normal, and usual condition.

18 (5) "Pre-1965 gradient boundary lines" means those
19 lines on the north and south sides of the Canadian River that have
20 been surveyed and marked on the ground by General Land Office
21 surveyors as being the probable gradient boundaries of the river as
22 they existed before the construction of Sanford Dam, the field
23 notes of which have been approved and are on file in the General
24 Land Office on the effective date of this Act.

25 (6) "Qualified tract" means an area bounded on one
26 side by a pre-1965 gradient boundary line of the Canadian River, on
27 the opposite side by the center line of the main channel of the

1 normal flow of the river, and on the other two sides by the
2 extensions of the east and west lines of a riparian owner's tract
3 that abuts the gradient boundary line, except that if a final
4 judgment to which the State of Texas is a party has established
5 title in a riparian owner to land in Segment 2 that now is located
6 within the pre-1965 gradient boundary lines, the landward side of
7 the qualified tract is defined by the boundary line between the
8 land owned by the riparian owner and the state-owned riverbed as
9 established by the judgment, and not the pre-1965 gradient boundary
10 line.

11 (7) "Riparian owner" means a person, firm, or
12 corporation that owns an interest in the surface estate of a tract
13 that is a part of an original patented survey the field notes of
14 which called for the Canadian River to be a boundary of the survey
15 and that now abuts one of the pre-1965 gradient boundary lines of
16 the Canadian River or the adjudicated boundary of land in Segment 2
17 described in Section 2 of this Act.

18 (8) "State's fully reserved mineral area" means the
19 area extending 75 feet laterally on each side of the center line
20 between the pre-1965 gradient boundary lines of the Canadian River.

21 SECTION 4. PREFERENTIAL RIGHT TO PURCHASE. (a) A riparian
22 owner has a preferential right to purchase the qualified tract that
23 abuts the owner's riparian tract.

24 (b) To exercise a preferential right granted by this
25 section, a riparian owner must:

26 (1) not later than the 30th day after the date on
27 which the owner receives from the General Land Office the notice

Subdivision (2) of Subsection (c) of

1 required by *Subdivision (2) of Subsection (c) of* Section 8(c)(2) of this Act, submit to the General Land
2 Office a contract to purchase, at the price set by the
3 commissioner, the qualified tract that abuts the owner's riparian
4 tract; and

5 (2) not later than the 60th day after the date on
6 which the owner receives the notice *Subdivision (2) of Subsection (c) of* required by Section 8(c)(2) of
7 this Act, pay in cash to the commissioner the contract amount.

8 (c) For the purpose of exercising a preferential right
9 granted by this section or a subordinate preferential right granted
10 by Section 5 of this Act, contiguous riparian tracts under common
11 ownership and the abutting qualified tracts constitute a single
12 riparian tract and abutting qualified tract.

13 (d) Section 31.159, Natural Resources Code, does not apply
14 to a sale of land authorized by this Act.

15 SECTION 5. FORFEITURE; SUBORDINATE PREFERENTIAL RIGHTS. (a)
16 A preferential right to purchase a qualified tract granted by
17 Section 4 of this Act or a subordinate preferential right to
18 purchase a qualified tract granted by this section is forfeited if
19 not timely exercised.

20 (b) A riparian owner who has purchased a qualified tract has
21 a subordinate preferential right to purchase any other qualified
22 tract for which the preferential right to purchase granted by
23 Section 4 of this Act has been forfeited. The first such riparian
24 owner who submits a contract as required by Subsection (c) of this
25 section has priority to purchase the qualified tract for which the
26 contract is submitted.

27 (c) To exercise a subordinate preferential right, not

1 earlier than the date of publication of the notice required by
2 *Subsection (c) B* Section 8~~(a)~~ of this Act and not later than the 30th day after the
3 date of publication of that notice, a riparian owner who has
4 purchased a qualified tract must submit to the General Land Office
5 a contract to purchase, at the price set by the commissioner for
6 the original sale or at the fair market value as established under
7 *Subsection (a) B* Section 8~~(a)~~ of this Act if no price has been set, the qualified
8 tract in which the subordinate preferential right is granted and,
9 not later than the 60th day after the date of publication of that
10 notice, must pay to the commissioner the contract amount in cash.

11 (d) The commissioner may adopt rules necessary to implement
12 this section, including procedural rules governing the exercise of
13 subordinate preferential rights and the management by the General
14 Land Office of sales of qualified tracts under subordinate
15 preferential rights. Rules adopted under this subsection must be
16 impartial and fair to all parties to be governed by the rules.

17 SECTION 6. DEDICATION TO PERMANENT SCHOOL FUND: SALE
18 REQUIRED. (a) A qualified tract for which no preferential rights
19 granted by Sections 4 and 5 of this Act have been exercised within
20 the required times is dedicated, on forfeiture of all such rights
21 in that tract, to the permanent school fund and is subject to the
22 law governing land dedicated to that fund.

23 (b) The General Land Office shall offer for sale, under
24 Subchapter D, Chapter 32, and Subchapter C, Chapter 51, Natural
25 Resources Code, all land dedicated to the permanent school fund
26 under this section.

27 SECTION 7. APPLICATION TO EXERCISE PREFERENTIAL RIGHT TO

1 PURCHASE. (a) A riparian owner desiring to purchase a qualified
2 tract by exercising a preferential right granted by Section 4 of
3 this Act must apply to the commissioner in accordance with this Act
4 and rules and forms adopted by the commissioner. An application
5 must include:

6 (1) field notes describing the qualified tract;

7 (2) proof satisfactory to the commissioner in the form
8 of a title opinion by an attorney based on abstracts of title from
9 the sovereignty of the soil to the date of the application or in
10 any other form acceptable to the commissioner that the applicant is
11 a riparian owner with respect to the qualified tract for which he
12 has applied; and

13 (3) other information the commissioner considers
14 relevant to the application.

15 (b) An applicant must submit with the application a filing
16 fee of \$250 to cover the cost of processing the application and
17 other documents related to exercise of the preferential right.

18 (c) The commissioner may adopt necessary rules and forms to
19 carry out this section.

20 SECTION 8. APPRAISAL; APPROVAL OF APPLICATION TO PURCHASE;
21 NOTICE OF PURCHASE PROCEDURES. (a) Before a qualified tract may
22 be sold under this Act, General Land Office appraisers must
23 appraise all qualified tracts that may be sold under this Act to
24 establish the fair market value of each.

25 (b) Not later than the 30th day after the date on which the
26 General Land Office receives the notice required by Section 15 of
27 this Act, the commissioner shall notify each known riparian owner,

1 by certified mail, return receipt requested:

2 (1) that the purchase of 95 percent of the land
3 described by Section 14 of this Act has been made; and

4 (2) that the riparian owner must file the application
5 required by Section 7 of this Act not later than the 30th day after
6 the date on which the owner receives the notice required by this
7 subsection.

8 (c) Not later than the 45th day after the date on which the
9 General Land Office receives an application required by Section 7
10 of this Act, the commissioner shall:

11 (1) if the commissioner finds that the application
12 fails to meet the requirements of this Act and rules adopted under
13 this Act, reject the application; or

14 (2) if the commissioner finds that the application
15 meets the requirements of this Act and rules adopted under this
16 Act:

17 (A) set the purchase price at the qualified
18 tract's fair market value as determined by General Land Office
19 appraisers;

20 (B) grant the application to purchase the
21 qualified tract at that price; and

22 (C) notify the applicant that:

23 (i) the application has been granted to
24 purchase the qualified tract at the price set by the commissioner;
25 and

26 (ii) the applicant, not later than the
27 30th day after the date on which the applicant receives the notice

1 required by this subsection, must submit a contract to purchase the
2 qualified tract for the amount set by the commissioner and, not
3 later than the 60th day after the date on which the applicant
4 receives that notice, must pay to the commissioner the contract
5 amount in cash.

6 (d) The commissioner shall mail written notice required by
7 Subsections (b) and (c) of this section to a riparian owner at that
8 owner's most recent address as listed in the property tax records
9 of the county in which the owner's riparian tract that abuts a
10 qualified tract is located.

11 (e) Not later than the 10th day after the date on which a
12 preferential right granted under Section 4 of this Act is
13 forfeited, the commissioner shall publish, in a newspaper with
14 general circulation in the county in which the qualified tract is
15 located, notice of the availability of ~~and~~ the terms, procedures,
16 and timetable for purchase of the qualified tract under ^{Subsection (c) of} Section
17 5 ^(c) of this Act.

18 SECTION 9. PAYMENT OF PURCHASE PRICE; PATENT. (a) All
19 purchase price payments shall be paid to the commissioner in Austin
20 and deposited in the state treasury to the credit of the game,
21 fish, and water safety fund.

22 (b) After payment of the purchase price, a patent shall
23 issue as provided by Subchapter F, Chapter 51, Natural Resources
24 Code, except that a patent may not issue under this Act before
25 January 7, 1991. The patent must contain:

26 (1) a reservation for the benefit of the permanent
27 school fund of all minerals in, on, and under the qualified tract;

1 (2) a reservation for the benefit of the Canadian
2 River Municipal Water Authority of a flood easement for floodwater
3 or water released from Sanford Dam;

4 (3) a restriction against the installation and
5 maintenance of permanent improvements within the area covered by
6 the patent; and

7 (4) a reservation of the right of access for
8 exploration for and development of minerals dedicated to the
9 permanent school fund.

10 SECTION 10. SALE CONTINGENT. A sale of land authorized by
11 this Act may not occur unless the Parks and Wildlife Department has
12 first purchased not less than 95 percent of the land described by
13 Section 14 of this Act, excluding only that acreage for which there
14 are valid title objections, if any.

15 SECTION 11. LEASING A QUALIFIED TRACT FOR MINERAL
16 PRODUCTION. (a) In absence of a valid existing lease, the state
17 may lease for oil, gas, or mineral exploration, development, and
18 production, under Subchapter C, Chapter 52, or Subchapter C,
19 Chapter 53, Natural Resources Code, any portion of a qualified
20 tract that lies within the state's fully reserved mineral area. An
21 owner of the qualified tract has no interest of any kind in such a
22 lease.

23 (b) In absence of a valid existing lease, an owner of a
24 qualified tract, as an agent of the state, may lease as provided by
25 Subchapter F, Chapter 52, Natural Resources Code, the oil and gas
26 under that portion of the qualified tract that is not within the
27 state's fully reserved mineral area.

1 (c) Any minerals other than oil and gas in and under the
2 qualified tract and outside the state's fully reserved mineral area
3 are subject to lease under Chapter 53, Natural Resources Code.

4 (d) Subsection (b) of this section may not be construed to
5 mean that the land authorized to be sold under this Act is
6 permanent school fund land.

7 SECTION 12. STATUS AS NAVIGABLE STREAM. Nothing in this Act
8 affects the status of the normal flow of the Canadian River as a
9 navigable stream under the law of this state.

10 SECTION 13. ABUTTING RIPARIAN OWNERS. The purchase of a
11 qualified tract by one of several riparian owners of an abutting or
12 other riparian tract inures proportionately to the other riparian
13 owners of that abutting or other riparian tract, except to the
14 extent that an ownership interest is in an existing oil, gas, or
15 mineral lease on that abutting or other riparian tract. A title,
16 right, or privilege acquired under a preferential right or
17 subordinate preferential right granted by this Act does not pass as
18 an after-acquired title by reason of a covenant of general
19 warranty, a description, or other provision in a conveyance
20 executed before the date of award under the preferential or
21 subordinate preferential right.

22 SECTION 14. PURCHASE OF OTHER ACREAGE. (a) The land
23 described in Subsection (b) of this section shall be used as a
24 wildlife management area to the extent that the Parks and Wildlife
25 Department purchases that land.

26 (b) The land to which Subsection (a) applies consists of:

27 All of the surface estate, together with all of the

1 subterranean water and water rights in, on and under and that may
2 be produced from the following described property, SAVE AND EXCEPT
3 that portion of the subterranean water and water rights purchased
4 by Willard Oil & Gas, Inc. in that certain Warranty Deed dated
5 August 28, 1986, from Mary Miles Batson, et al, to Willard Oil &
6 Gas, Inc. and then conveyed to the City of Amarillo in that certain
7 Warranty Deed dated August 28, 1986, from Willard Oil & Gas, Inc.
8 to the City of Amarillo, to-wit:

9 BLOCK 22, AB&M SURVEY, POTTER COUNTY, TEXAS:

10 All of Section 9, Block 22, AB&M Survey, Potter County,
11 Texas, containing 640 acres of land, more or less.

12 All of Section 10, Block 22, AB&M Survey, Potter County,
13 Texas, containing 640 acres of land, more or less.

14 BLOCK 22, BS&F SURVEY, POTTER COUNTY, TEXAS:

15 All of Section 11, Block 22, BS&F Survey, Potter County,
16 Texas, containing 640 acres of land, more or less.

17 All of Section 12, Block 22, BS&F Survey, Potter County,
18 Texas, containing 640 acres of land, more or less.

19 BLOCK 22, EL&RR SURVEY, POTTER COUNTY, TEXAS:

20 All of that portion of Section 2, Block 22, EL&RR Survey,
21 Potter County, Texas lying West of State Highway 136, except that
22 portion granted as a right-of-way for State Highway 136.

23 All of that portion of Section 3, Block 22, EL&RR Survey,
24 Potter County, Texas lying West of State Highway 136, except that
25 portion granted as a right-of-way for State Highway 136.

26 All of that portion of Section 6, Block 22, EL&RR Survey,
27 Potter County, Texas lying West of State Highway 136, except that

1 portion granted as a right-of-way for State Highway 136; AND save
2 and except a tract of land containing 10.30 acres, more or less,
3 out of Section 6, Block 22, EL&RR Survey, Potter County Texas, as
4 described in that certain conveyance dated 30 November 1966, from
5 Mary Miles Batson and husband, J. Ernest Batson, to American
6 Telephone & Telegraph Company, recorded in Volume 1052, Page 80, of
7 the Deed Records of Potter County, Texas; AND save and except a
8 tract of land containing 1.0 acres, more or less, out of Section 6,
9 Block 22, EL&RR Survey, Potter County, Texas, as described in that
10 certain conveyance dated 12 October 1955, from Mary Miles Batson
11 and husband, J. Ernest Batson, to American Telephone and Telegraph
12 Company, recorded in Volume 717, Page 317, of the Deed Records of
13 Potter County, Texas.

14 All of Section 7, Block 22, EL&RR Survey, Potter County,
15 Texas, containing 640 acres of land, more or less.

16 All of Section 8, Block 22, EL&RR Survey, Potter County,
17 Texas, containing 640 acres of land, more or less.

18 BLOCK G&M-5, G&M SURVEY, POTTER COUNTY, TEXAS:

19 All of Section 18, Block G&M-5, G&M Survey, Potter County,
20 Texas, containing 501.4 acres of land, more or less.

21 All of Section 20, Block G&M-5, G&M Survey, Potter County,
22 Texas, save and except a 20.48 acre tract taken by the United
23 States of America by Judgment dated July 30, 1963, recorded in
24 Volume 958, Page 442, Deed Records of Potter County, Texas, the
25 remainder of said Section containing 128.72 acres of land, more or
26 less.

27 All of Section 20-1/2, Block G&M-5, G&M Survey, Potter

1 County, Texas, save and except a 62.50 acre tract taken by the
2 United States of America by Judgment dated July 30, 1963, recorded
3 in Volume 958, Page 442, Deed Records of Potter County, Texas, the
4 remainder of said Section containing 109.4 acres of land, more or
5 less.

6 All of the N/2 of Section 22, Block G&M-5, G&M Survey, Potter
7 County, Texas, except that portion taken by the United States of
8 America by Judgment dated July 30, 1963, recorded in Volume 958,
9 Page 442, of the Deed Records of Potter County, Texas, the
10 remainder of the N/2 of said Section containing 25.35 acres of
11 land, more or less.

12 BLOCK M-20, G&M SURVEY, POTTER COUNTY, TEXAS:

13 All of the N/2 of Section 2, Block M-20, G&M Survey, Potter
14 County, Texas, containing 320 acres of land, more or less.

15 All of Section 3, Block M-20, G&M Survey, Potter County,
16 Texas, containing 640 acres of land, more or less.

17 All of Section 4, Block M-20, G&M Survey, Potter County,
18 Texas, containing 640 acres of land, more or less.

19 All of Section 5, Block M-20, G&M Survey, Potter County,
20 Texas, containing 640 acres of land, more or less.

21 All of Section 6, Block M-20, G&M Survey, Potter County,
22 Texas, containing 640 acres of land, more or less.

23 All of Section 7, Block M-20, G&M Survey, Potter County,
24 Texas, containing 640 acres of land, more or less.

25 All of Section 8, Block M-20, G&M Survey, Potter County,
26 Texas, containing 640 acres of land, more or less.

27 All of Section 9, Block M-20, G&M Survey, Potter County,

1 Texas, containing 640 acres of land, more or less.

2 All of Section 10, Block M-20, G&M Survey, Potter County,
3 Texas, containing 640 acres of land, more or less.

4 All of Section 11, Block M-20, G&M Survey, Potter County,
5 Texas, containing 640 acres of land, more or less.

6 All of Section 12, Block M-20, G&M Survey, Potter County,
7 Texas, containing 640 acres of land, more or less.

8 All of Section 13, Block M-20, G&M Survey, Potter County,
9 Texas, containing 640 acres of land, more or less.

10 All of Section 14, Block M-20, G&M Survey, Potter County,
11 Texas, containing 627.4 acres of land, more or less.

12 All of that portion of Section 15, Block M-20, G&M Survey,
13 Potter County, Texas lying South of the Alibates Road and East of
14 the McBride Canyon Road, except a tract of land described as a
15 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37,
16 Block M-20, G&M Survey, Potter County, Texas, and Section 101,
17 Block 46, H&TC Survey, Potter County, Texas, as described in that
18 certain conveyance dated 10 May 1966, from Mary Miles Batson and
19 husband, J. Ernest Batson, to the State of Texas, recorded in
20 Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

21 All of that portion of Section 16, Block M-20, G&M Survey,
22 Potter County, Texas lying South and East of the McBride Canyon
23 Road/Alibates Road, except a tract of land containing 15.177 acres,
24 more or less, out of Section 16, Block M-20, G&M Survey, Potter
25 County, Texas, as described in that certain conveyance dated 9 May
26 1967, from Mary Miles Batson and husband, J. Ernest Batson, to the
27 State of Texas, recorded in Volume 1059, Page 548, of the Deed

1 Records of Potter County, Texas; AND save and except a tract of
2 land described as a 100.00 foot strip of land out of Sections 15,
3 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas,
4 and Section 101, Block 46, H&TC Survey, Potter County, Texas, as
5 described in that certain conveyance dated 10 May 1966, from Mary
6 Miles Batson and husband, J. Ernest Batson, to the State of Texas,
7 recorded in Volume 1036, Page 309, of the Deed Records of Potter
8 County, Texas.

9 All of Section 17, Block M-20, G&M Survey, Potter County,
10 Texas, containing 640 acres of land, more or less.

11 All of Section 18, Block M-20, G&M Survey, Potter County,
12 Texas, containing 640 acres of land, more or less.

13 All of Section 19, Block M-20, G&M Survey, Potter County,
14 Texas, containing 640 acres of land, more or less.

15 All of Section 20, Block M-20, G&M Survey, Potter County,
16 Texas, containing 640 acres of land, more or less.

17 All of Section 21, Block M-20, G&M Survey, Potter County,
18 Texas, containing 640 acres of land, more or less.

19 All of Section 22, Block M-20, G&M Survey, Potter County,
20 Texas, containing 640 acres of land, more or less.

21 All of Section 23, Block M-20, G&M Survey, Potter County,
22 Texas, containing 640 acres of land, more or less.

23 All of Section 24, Block M-20, G&M Survey, Potter County,
24 Texas, containing 636.4 acres of land, more or less.

25 All of Section 25, Block M-20, G&M Survey, Potter County,
26 Texas, containing 636.4 acres of land, more or less.

27 All of Section 26, Block M-20, G&M Survey, Potter County,

1 Texas, containing 640 acres of land, more or less.

2 All of that portion of Section 27, Block M-20, G&M Survey,
3 Potter County, Texas lying West of State Highway 136, except that
4 portion granted as a right-of-way for State Highway 136.

5 All of that portion of Section 28, Block M-20, G&M Survey,
6 Potter County, Texas lying West of State Highway 136, except that
7 portion granted as a right-of-way for State Highway 136.

8 All of Section 29, Block M-20, G&M Survey, Potter County,
9 Texas, containing 640 acres of land, more or less.

10 All of that portion of Section 30, Block M-20, G&M Survey,
11 Potter County, Texas lying South of Alibates Road, except a tract
12 of land described as a 100.00 foot strip of land out of Sections
13 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County,
14 Texas, and Section 101, Block 46, H&TC Survey, Potter County,
15 Texas, as described in that certain conveyance dated 10 May 1966,
16 from Mary Miles Batson and husband, J. Ernest Batson, to the State
17 of Texas, recorded in Volume 1036, Page 309, of the Deed Records of
18 Potter County, Texas.

19 All of that portion of Section 31, Block M-20, G&M Survey,
20 Potter County, Texas lying South of the Alibates Road, except a
21 tract of land containing 2.56 acres, more or less, out of Section
22 31, Block M-20, G&M Survey, Potter County, Texas, as described in
23 that certain conveyance dated 24 September 1969, from Mary Miles
24 Batson and husband, J. Ernest Batson and Joseph E. Batson, Jr. to
25 the United States of America, recorded in Volume 1116, Page 478, of
26 the Deed Records of Potter County, Texas.

27 All of that portion of Section 34, Block M-20, G&M Survey,

1 Potter County, Texas lying South of Alibates Road, except a tract
2 of land described as a 100.00 foot strip of land out of Sections
3 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County,
4 Texas, and Section 101, Block 46, H&TC Survey, Potter County,
5 Texas, as described in that certain conveyance dated 10 May 1966,
6 from Mary Miles Batson and husband, J. Ernest Batson, to the State
7 of Texas, recorded in Volume 1036, Page 309, of the Deed Records of
8 Potter County, Texas.

9 All of Section 35, Block M-20, G&M Survey, Potter County,
10 Texas, containing 640 acres of land, more or less.

11 All of that portion of Section 36, Block M-20, G&M Survey,
12 Potter County, Texas lying West of State Highway 136, except that
13 portion granted as a right-of-way for State Highway 136; AND also
14 save and except a tract of land containing 8.034 acres, more or
15 less, out of Sections 36 and 37, Block M-20, G&M Survey, Potter
16 County, Texas, as described in that certain conveyance dated 23
17 September 1952, from Mary Miles Batson and husband, J. Ernest
18 Batson, to West Texas Gas Company, recorded in Volume 605, Page
19 133, of the Deed Records of Potter County, Texas; AND a tract of
20 land containing 4.3 acres, more or less, out of Section 36, Block
21 M-20, G&M Survey, Potter County, Texas, as described in that
22 certain conveyance dated 15 August 1938 from Mary Miles Batson and
23 husband, J. Ernest Batson, to Pioneer Natural Gas Company, recorded
24 in Volume 854, Page 229, of the Deed Records of Potter County,
25 Texas; AND two tracts of land containing 2.0 acres, more or less,
26 and 3.7 acres, more or less, out of Section 36, Block M-20, G&M
27 Survey, Potter County, Texas, as described in that certain

1 conveyance dated 22 July 1939, from Julian L. Bivins to West Texas
2 Gas Company, recorded in Volume 290, Page 446, of the Deed Records
3 of Potter County, Texas; AND save and except a tract of land
4 described as being 100 feet wide and 10,047.1 feet long as
5 described in that certain conveyance dated 29 December 1928, from
6 Lee Bivins to Potter County, State of Texas, recorded in Volume
7 203, Page 73, of the Deed Records of Potter County, Texas.

8 All of that portion of Section 37, Block M-20, G&M Survey,
9 Potter County, Texas lying South of the Alibates Road and West of
10 State Highway 136, except a tract of land, containing 8.034 acres,
11 more or less, out of Sections 36 and 37, Block M-20, G&M Survey,
12 Potter County, Texas, as described in that certain conveyance dated
13 23 September 1952, from Mary Miles Batson and husband, J. Ernest
14 Batson, to West Texas Gas Company, recorded in Volume 605, Page
15 133, of the Deed Records of Potter County, Texas; AND save and
16 except a tract of land described as a 100.00 foot strip of land out
17 of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter
18 County, Texas, and Section 101, Block 46, H&TC Survey, Potter
19 County, Texas, as described in that certain conveyance dated 10 May
20 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the
21 State of Texas, recorded in Volume 1036, Page 309, of the Deed
22 Records of Potter County, Texas.

23 BLOCK 46, H&TC SURVEY, POTTER COUNTY, TEXAS:

24 All of that portion of Section 103, Block 46, H&TC Survey,
25 Potter County, Texas lying South of the McBride Canyon Road, except
26 a tract of land containing 10.1271 acres, more or less, out of
27 Section 103, Block 46, H&TC Survey, Potter County, Texas, as

1 described in that certain conveyance dated 9 May 1967, from Mary
2 Miles Batson and husband, J. Ernest Batson, to the State of Texas,
3 recorded in Volume 1059, Page 548, of the Deed Records of Potter
4 County, Texas.

5 All of Section 105, Block 46, H&TC Survey, Potter County,
6 Texas, save and except a 620.35 acre tract taken by the United
7 States of America on July 30, 1963, by Judgment recorded in Volume
8 958, Page 442, Deed Records of Potter County, Texas, the remainder
9 of said Section containing 28.87 acres of land, more or less.

10 All of Section 106, Block 46, H&TC Survey, Potter County,
11 Texas, except the tract of land taken by the United States of
12 America by Judgment dated July 30, 1963, recorded in Volume 958,
13 Page 442, Deed Records of Potter County, Texas, the remainder of
14 said Section containing 111.99 acres of land, more or less.

15 All of Section 107, Block 46, H&TC Survey, Potter County,
16 Texas, save and except a 586.58 acre tract taken by the United
17 States of America on July 30, 1963, by Judgment recorded in Volume
18 958, Page 442, Deed Records of Potter County, Texas, the remainder
19 of said Section containing 53.42 acres of land, more or less.

20 All of Section 108, Block 46, H&TC Survey, Potter County,
21 Texas, except a 606.96 acre tract of land taken by the United
22 States of America by Judgment dated July 30, 1963, recorded in
23 Volume 958, Page 442, Deed Records of Potter County, Texas, the
24 remainder of said Section containing 33.04 acres of land, more or
25 less.

26 J. L. SUMMERS SURVEY, POTTER COUNTY, TEXAS:

27 All of that portion of Section 1, of the J. L. Summers

1 Survey, in Potter County, Texas lying West of State Highway 136,
2 except that portion granted as a right-of-way for State Highway
3 136.

4 BLOCK 1, SK&K SURVEY, POTTER COUNTY, TEXAS:

5 All of Section 22, Block 1, SK&K Survey, Potter County,
6 Texas, containing 643.9 acres of land, more or less.

7 All of Section 23, Block 1, SK&K Survey, Potter County,
8 Texas, containing 640 acres of land, more or less.

9 W. P. HILL SURVEY, POTTER COUNTY, TEXAS:

10 All of that portion of Section 5, W.P. Hill Survey, Potter
11 County, Texas lying South of the McBride Canyon Road, except a
12 tract of land out of the W. P. Hill Survey, Potter County, Texas,
13 as described in that certain conveyance dated 9 May 1967, from Mary
14 Miles Batson and husband, J. Ernest Batson, to the State of Texas,
15 recorded in Volume 1059, Page 548, of the Deed Records of Potter
16 County, Texas.

17 (c) The Parks and Wildlife Department may not purchase the
18 land described in Subsection (b) of this section for more than an
19 amount set by the Parks and Wildlife Commission, not to exceed the
20 appraised value of the land as established by a member of the
21 Appraisal Institute or an appraiser with comparable professional
22 qualifications.

23 (d) The Parks and Wildlife Department shall pay for the land
24 out of the game, fish, and water safety fund on approval of title
25 by the attorney general.

26 SECTION 15. NOTICE OF PURCHASE. (a) The Parks and Wildlife
27 Department shall notify the General Land Office when the department

1 has purchased 95 percent of the land described by Section 14 of
2 this Act.

3 (b) The Parks and Wildlife Department shall publish in the
4 Texas Register, not later than the 30th day after the purchase of
5 95 percent of the land described by Section 14 of this Act has been
6 made, notice of that purchase.

7 SECTION 16. APPROPRIATION. An amount not to exceed the
8 appraised value of the land described by Section 14 of this Act is
9 appropriated from the balance of the game, fish, and water safety
10 fund not otherwise appropriated to the Parks and Wildlife
11 Department for the biennium ending August 31, 1991, for the sole
12 purchase of that land. The appropriation made by this section
13 expires August 31, 1991.

14 SECTION 17. SALE TO UNITED STATES DEPARTMENT OF THE
15 INTERIOR. (a) If the Parks and Wildlife Department purchases the
16 land described by Section 14 of this Act, the department shall sell
17 that land to the United States Department of the Interior if the
18 department of the interior:

19 (1) agrees to limit use of the land to wildlife
20 management and recreation;

21 (2) purchases the entire tract of land;

22 (3) pays in cash a purchase price not less than the
23 sum of:

24 (A) the total amount the Parks and Wildlife
25 Department paid for the land;

26 (B) the cost of any improvements made by the
27 Parks and Wildlife Department on the land; and

1 *Subdivision (1)* (C) interest on those amounts at the rate under
2 Section (a)(1), Article 1.04, Title 79, Revised Statutes (Article
3 5069-1.04, Vernon's Texas Civil Statutes), in effect for the week
4 in which the department of the interior purchases the land; and

5 (4) purchases the land on or before August 1, 1993.

6 (b) The conveyance to the United States Department of the
7 Interior must contain a restriction limiting the use of the land
8 sold under this section to wildlife management and recreation.

9 (c) Proceeds from the sale of land under this section shall
10 be deposited in the game, fish, and water safety fund.

11 SECTION 18. AMENDMENT. Chapter 82, Parks and Wildlife Code,
12 is amended by adding Subchapter P to read as follows:

13 SUBCHAPTER P. ALIBATES RANCH WILDLIFE MANAGEMENT AREA

14 Sec. 82.791. ESTABLISHMENT. The Alibates Ranch Wildlife
15 Management Area is established under the jurisdiction of the
16 department on that land located along and in the vicinity of the
17 Canadian River in Potter County authorized to be purchased and more
18 specifically described in S.B. No. ~~58~~ or H.B. No. ~~7~~, Acts of the
19 71st Legislature, 4th Called Session, 1990.

20 Sec. 82.792. DISPOSITION OF PROCEEDS OF SAND AND GRAVEL SALE
21 AND GRAZING LEASES. (a) If sand and gravel are sold from the
22 Alibates Ranch Wildlife Management Area, proceeds or royalty
23 payments from the sale shall be deposited in the game, fish, and
24 water safety fund.

25 (b) If grazing rights are leased on the Alibates Ranch
26 Wildlife Management Area under Section 12.008 of this code,
27 proceeds from the lease shall be used to improve that wildlife

1 management area.

2 SECTION 19. EFFECTIVE DATE. (a) Except as provided by
3 Subsection (b) of this section, this Act takes effect on August 1,
4 1990.

5 (b) Section 18 of this Act takes effect on the date of
6 publication in the Texas Register that 95 percent of the property
7 described in Section 14 of this Act has been purchased.

8 SECTION 20. EXPIRATION DATE. (a) Section 18 of this Act
9 expires on the date of the sale of land to the United States
10 Department of the Interior under Section 17 of this Act.

11 (b) This section expires on August 2, 1993.

12 SECTION 21. EMERGENCY. The importance of this legislation
13 and the crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

By: Bivins S.B. No. 58
(In the Senate - Filed April 9, 1990; April 9, 1990, read first time and referred to Committee on Natural Resources; April 18, 1990, rereferred to Committee on Administration; April 23, 1990, reported favorably by the following vote: Yeas 7, Nays 0; April 23, 1990, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Sims	x			
Brooks	x			
Caperton	x			
Edwards				x
Glasgow	x			
Harris	x			
McFarland	x			
Montford			x	
Parker	x			
Parmer				x
Santiesteban				x

A BILL TO BE ENTITLED
AN ACT

relating to property rights in and the establishment of a wildlife management area along and in the vicinity of the Canadian River bed; making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DECLARATION OF POLICY. The closing of Sanford Dam on the Canadian River in 1965 changed the normal flow of water downstream from the dam, which has prevented, in certain areas, the effective application of the gradient method of locating river boundaries and consequently has created confusion and uncertainty as to the titles to surface and minerals in the area lying between the pre-1965 gradient boundaries of the river and the river's current normal flow. The purposes of this Act are to establish a method by which the rights and titles of the State of Texas and its permanent school fund can be recognized, protected, and stabilized, and by which access by riparian owners to the flowing water in the river, as contemplated by original patents under which the riparian owners hold title, can be fairly and reasonably effected and to establish a wildlife management area along and in the vicinity of the Canadian River.

SECTION 2. SCOPE OF ACT. This Act applies only to the following segments of the Canadian River:

(1) Segment 1. That segment of the Canadian River lying between the pre-1965 gradient boundary lines which extends from the intersection of the north gradient boundary line with the east line of Section 2, Block A, H&GN RR Co. Survey Roberts County upriver to such boundary's intersection with the west line of Section 13, Block 47, H&TC RR Co. Survey Hutchinson County, and from the intersection of the south gradient boundary line with the east line of Section 1, Block 46, H&TC RR Co. Survey Roberts County upriver to such boundary's intersection with the west line of Section 54, Block 46, H&TC RR Co. Survey Hutchinson County.

(2) Segment 2. That segment of the Canadian River lying between the pre-1965 gradient boundary lines which extends from the intersection of the north gradient boundary line with the west line of Section 13, Block 47, H&TC RR Co. Survey Hutchinson County upriver to such boundary's intersection with the west right-of-way line of Highway 136, such point having a coordinate value of X = 2,024,339.274 feet; Y = 631,474.902 feet, Texas State Plane Coordinate System, Lambert Projection, North Zone and the south gradient boundary which extends from the intersection of such boundary with the west line of Section 54, Block 46, H&TC RR Co. Survey Hutchinson County upriver to such boundary's intersection with the west right-of-way line of State Highway 136 in Section 69, Block 46, H&TC RR Co. Survey, Hutchinson County, Texas.

(3) Segment 3. A tract containing 1678.817 acres of

1 the Canadian River bed between H&TC Blocks 46 and 47 from Sanford
2 Dam easterly downstream to the west right-of-way line of State
3 Highway 136 as more particularly described in the field notes of a
4 gradient boundary survey of such tract by licensed land surveyor
5 D. D. Shine, on file in the General Land Office.

6 SECTION 3. DEFINITIONS. In this Act:

7 (1) "Center line between the pre-1965 gradient
8 boundary lines" means a line surveyed and marked by the General
9 Land Office that runs the length of the segments of the Canadian
10 River subject to this Act and is equidistant from the north and
11 south pre-1965 gradient boundary lines of the Canadian River, the
12 field notes of which have been approved and are on file in the
13 General Land Office on the effective date of this Act.

14 (2) "Center line of the main channel of the normal
15 flow of the river" means a line equidistant from the edges of the
16 water flowing in the main channel of the normal flow of the river.

17 (3) "Commissioner" means the commissioner of the
18 General Land Office.

19 (4) "Normal flow of the river" means the highest
20 elevation that the flowing water of the Canadian River reaches and
21 maintains for a sufficient length of time to be characteristic of
22 the river in its ordinary, normal, and usual condition.

23 (5) "Pre-1965 gradient boundary lines" means those
24 lines on the north and south sides of the Canadian River that have
25 been surveyed and marked on the ground by General Land Office
26 surveyors as being the probable gradient boundaries of the river as
27 they existed before the construction of Sanford Dam, the field
28 notes of which have been approved and are on file in the General
29 Land Office on the effective date of this Act.

30 (6) "Qualified tract" means an area bounded on one
31 side by a pre-1965 gradient boundary line of the Canadian River, on
32 the opposite side by the center line of the main channel of the
33 normal flow of the river, and on the other two sides by the
34 extensions of the east and west lines of a riparian owner's tract
35 that abuts the gradient boundary line, except that if a final
36 judgment to which the State of Texas is a party has established
37 title in a riparian owner to land in Segment 2 that now is located
38 within the pre-1965 gradient boundary lines, the landward side of
39 the qualified tract is defined by the boundary line between the
40 land owned by the riparian owner and the state-owned riverbed as
41 established by the judgment, and not the pre-1965 gradient boundary
42 line.

43 (7) "Riparian owner" means a person, firm, or
44 corporation that owns an interest in the surface estate of a tract
45 that is a part of an original patented survey the field notes of
46 which called for the Canadian River to be a boundary of the survey
47 and that now abuts one of the pre-1965 gradient boundary lines of
48 the Canadian River or the adjudicated boundary of land in Segment 2
49 described in Section 2 of this Act.

50 (8) "State's fully reserved mineral area" means the
51 area extending 75 feet laterally on each side of the center line
52 between the pre-1965 gradient boundary lines of the Canadian River.

53 SECTION 4. PREFERENTIAL RIGHT TO PURCHASE. (a) A riparian
54 owner has a preferential right to purchase the qualified tract that
55 abuts the owner's riparian tract.

56 (b) To exercise a preferential right granted by this
57 section, a riparian owner must:

58 (1) not later than the 30th day after the date on
59 which the owner receives from the General Land Office the notice
60 required by Subdivision (2) of Subsection (c) of Section 8 of this
61 Act, submit to the General Land Office a contract to purchase, at
62 the price set by the commissioner, the qualified tract that abuts
63 the owner's riparian tract; and

64 (2) not later than the 60th day after the date on
65 which the owner receives the notice required by Subdivision (2) of
66 Subsection (c) of Section 8 of this Act, pay in cash to the
67 commissioner the contract amount.

68 (c) For the purpose of exercising a preferential right
69 granted by this section or a subordinate preferential right granted
70 by Section 5 of this Act, contiguous riparian tracts under common

ownership and the abutting qualified tracts constitute a single riparian tract and abutting qualified tract.

(d) Section 31.159, Natural Resources Code, does not apply to a sale of land authorized by this Act.

SECTION 5. FORFEITURE; SUBORDINATE PREFERENTIAL RIGHTS.

(a) A preferential right to purchase a qualified tract granted by Section 4 of this Act or a subordinate preferential right to purchase a qualified tract granted by this section is forfeited if not timely exercised.

(b) A riparian owner who has purchased a qualified tract has a subordinate preferential right to purchase any other qualified tract for which the preferential right to purchase granted by Section 4 of this Act has been forfeited. The first such riparian owner who submits a contract as required by Subsection (c) of this section has priority to purchase the qualified tract for which the contract is submitted.

(c) To exercise a subordinate preferential right, not earlier than the date of publication of the notice required by Subsection (e) of Section 8 of this Act and not later than the 30th day after the date of publication of that notice, a riparian owner who has purchased a qualified tract must submit to the General Land Office a contract to purchase, at the price set by the commissioner for the original sale or at the fair market value as established under Subsection (a) of Section 8 of this Act if no price has been set, the qualified tract in which the subordinate preferential right is granted and, not later than the 60th day after the date of publication of that notice, must pay to the commissioner the contract amount in cash.

(d) The commissioner may adopt rules necessary to implement this section, including procedural rules governing the exercise of subordinate preferential rights and the management by the General Land Office of sales of qualified tracts under subordinate preferential rights. Rules adopted under this subsection must be impartial and fair to all parties to be governed by the rules.

SECTION 6. DEDICATION TO PERMANENT SCHOOL FUND: SALE REQUIRED. (a) A qualified tract for which no preferential rights granted by Sections 4 and 5 of this Act have been exercised within the required times is dedicated, on forfeiture of all such rights in that tract, to the permanent school fund and is subject to the law governing land dedicated to that fund.

(b) The General Land Office shall offer for sale, under Subchapter D, Chapter 32, and Subchapter C, Chapter 51, Natural Resources Code, all land dedicated to the permanent school fund under this section.

SECTION 7. APPLICATION TO EXERCISE PREFERENTIAL RIGHT TO PURCHASE. (a) A riparian owner desiring to purchase a qualified tract by exercising a preferential right granted by Section 4 of this Act must apply to the commissioner in accordance with this Act and rules and forms adopted by the commissioner. An application must include:

(1) field notes describing the qualified tract;
(2) proof satisfactory to the commissioner in the form of a title opinion by an attorney based on abstracts of title from the sovereignty of the soil to the date of the application or in any other form acceptable to the commissioner that the applicant is a riparian owner with respect to the qualified tract for which he has applied; and

(3) other information the commissioner considers relevant to the application.

(b) An applicant must submit with the application a filing fee of \$250 to cover the cost of processing the application and other documents related to exercise of the preferential right.

(c) The commissioner may adopt necessary rules and forms to carry out this section.

SECTION 8. APPRAISAL; APPROVAL OF APPLICATION TO PURCHASE; NOTICE OF PURCHASE PROCEDURES. (a) Before a qualified tract may be sold under this Act, General Land Office appraisers must appraise all qualified tracts that may be sold under this Act to establish the fair market value of each.

(b) Not later than the 30th day after the date on which the

General Land Office receives the notice required by Section 15 of this Act, the commissioner shall notify each known riparian owner, by certified mail, return receipt requested:

(1) that the purchase of 95 percent of the land described by Section 14 of this Act has been made; and

(2) that the riparian owner must file the application required by Section 7 of this Act not later than the 30th day after the date on which the owner receives the notice required by this subsection.

(c) Not later than the 45th day after the date on which the General Land Office receives an application required by Section 7 of this Act, the commissioner shall:

(1) if the commissioner finds that the application fails to meet the requirements of this Act and rules adopted under this Act, reject the application; or

(2) if the commissioner finds that the application meets the requirements of this Act and rules adopted under this Act:

(A) set the purchase price at the qualified tract's fair market value as determined by General Land Office appraisers;

(B) grant the application to purchase the qualified tract at that price; and

(C) notify the applicant that:

(i) the application has been granted to purchase the qualified tract at the price set by the commissioner; and

(ii) the applicant, not later than the 30th day after the date on which the applicant receives the notice required by this subsection, must submit a contract to purchase the qualified tract for the amount set by the commissioner and, not later than the 60th day after the date on which the applicant receives that notice, must pay to the commissioner the contract amount in cash.

(d) The commissioner shall mail written notice required by Subsections (b) and (c) of this section to a riparian owner at that owner's most recent address as listed in the property tax records of the county in which the owner's riparian tract that abuts a qualified tract is located.

(e) Not later than the 10th day after the date on which a preferential right granted under Section 4 of this Act is forfeited, the commissioner shall publish, in a newspaper with general circulation in the county in which the qualified tract is located, notice of the availability of and the terms, procedures, and timetable for purchase of the qualified tract under Subsection (c) of Section 5 of this Act.

SECTION 9. PAYMENT OF PURCHASE PRICE; PATENT. (a) All purchase price payments shall be paid to the commissioner in Austin and deposited in the state treasury to the credit of the game, fish, and water safety fund.

(b) After payment of the purchase price, a patent shall issue as provided by Subchapter F, Chapter 51, Natural Resources Code, except that a patent may not issue under this Act before January 7, 1991. The patent must contain:

(1) a reservation for the benefit of the permanent school fund of all minerals in, on, and under the qualified tract;

(2) a reservation for the benefit of the Canadian River Municipal Water Authority of a flood easement for floodwater or water released from Sanford Dam;

(3) a restriction against the installation and maintenance of permanent improvements within the area covered by the patent; and

(4) a reservation of the right of access for exploration for and development of minerals dedicated to the permanent school fund.

SECTION 10. SALE CONTINGENT. A sale of land authorized by this Act may not occur unless the Parks and Wildlife Department has first purchased not less than 95 percent of the land described by Section 14 of this Act, excluding only that acreage for which there are valid title objections, if any.

SECTION 11. LEASING A QUALIFIED TRACT FOR MINERAL PRODUCTION. (a) In absence of a valid existing lease, the state may lease for oil, gas, or mineral exploration, development, and production, under Subchapter C, Chapter 52, or Subchapter C, Chapter 53, Natural Resources Code, any portion of a qualified tract that lies within the state's fully reserved mineral area. An owner of the qualified tract has no interest of any kind in such a lease.

(b) In absence of a valid existing lease, an owner of a qualified tract, as an agent of the state, may lease as provided by Subchapter F, Chapter 52, Natural Resources Code, the oil and gas under that portion of the qualified tract that is not within the state's fully reserved mineral area.

(c) Any minerals other than oil and gas in and under the qualified tract and outside the state's fully reserved mineral area are subject to lease under Chapter 53, Natural Resources Code.

(d) Subsection (b) of this section may not be construed to mean that the land authorized to be sold under this Act is permanent school fund land.

SECTION 12. STATUS AS NAVIGABLE STREAM. Nothing in this Act affects the status of the normal flow of the Canadian River as a navigable stream under the law of this state.

SECTION 13. ABUTTING RIPARIAN OWNERS. The purchase of a qualified tract by one of several riparian owners of an abutting or other riparian tract inures proportionately to the other riparian owners of that abutting or other riparian tract, except to the extent that an ownership interest is in an existing oil, gas, or mineral lease on that abutting or other riparian tract. A title, right, or privilege acquired under a preferential right or subordinate preferential right granted by this Act does not pass as an after-acquired title by reason of a covenant of general warranty, a description, or other provision in a conveyance executed before the date of award under the preferential or subordinate preferential right.

SECTION 14. PURCHASE OF OTHER ACREAGE. (a) The land described in Subsection (b) of this section shall be used as a wildlife management area to the extent that the Parks and Wildlife Department purchases that land.

(b) The land to which Subsection (a) applies consists of:

All of the surface estate, together with all of the subterranean water and water rights in, on and under and that may be produced from the following described property, SAVE AND EXCEPT that portion of the subterranean water and water rights purchased by Willard Oil & Gas, Inc. in that certain Warranty Deed dated August 28, 1986, from Mary Miles Batson, et al, to Willard Oil & Gas, Inc. and then conveyed to the City of Amarillo in that certain Warranty Deed dated August 28, 1986, from Willard Oil & Gas, Inc. to the City of Amarillo, to-wit:

BLOCK 22, AB&M SURVEY, POTTER COUNTY, TEXAS:

All of Section 9, Block 22, AB&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 10, Block 22, AB&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

BLOCK 22, BS&F SURVEY, POTTER COUNTY, TEXAS:

All of Section 11, Block 22, BS&F Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 12, Block 22, BS&F Survey, Potter County, Texas, containing 640 acres of land, more or less.

BLOCK 22, EL&RR SURVEY, POTTER COUNTY, TEXAS:

All of that portion of Section 2, Block 22, EL&RR Survey, Potter County, Texas lying West of State Highway 136, except that portion granted as a right-of-way for State Highway 136.

All of that portion of Section 3, Block 22, EL&RR Survey, Potter County, Texas lying West of State Highway 136, except that portion granted as a right-of-way for State Highway 136.

All of that portion of Section 6, Block 22, EL&RR Survey, Potter County, Texas lying West of State Highway 136, except that portion granted as a right-of-way for State Highway 136; AND save and except a tract of land containing 10.30 acres, more or less, out of Section 6, Block 22, EL&RR Survey, Potter County Texas, as

described in that certain conveyance dated 30 November 1966, from Mary Miles Batson and husband, J. Ernest Batson, to American Telephone & Telegraph Company, recorded in Volume 1052, Page 80, of the Deed Records of Potter County, Texas; AND save and except a tract of land containing 1.0 acres, more or less, out of Section 6, Block 22, EL&RR Survey, Potter County, Texas, as described in that certain conveyance dated 12 October 1955, from Mary Miles Batson and husband, J. Ernest Batson, to American Telephone and Telegraph Company, recorded in Volume 717, Page 317, of the Deed Records of Potter County, Texas.

All of Section 7, Block 22, EL&RR Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 8, Block 22, EL&RR Survey, Potter County, Texas, containing 640 acres of land, more or less.

BLOCK G&M-5, G&M SURVEY, POTTER COUNTY, TEXAS:

All of Section 18, Block G&M-5, G&M Survey, Potter County, Texas, containing 501.4 acres of land, more or less.

All of Section 20, Block G&M-5, G&M Survey, Potter County, Texas, save and except a 20.48 acre tract taken by the United States of America by Judgment dated July 30, 1963, recorded in Volume 958, Page 442, Deed Records of Potter County, Texas, the remainder of said Section containing 128.72 acres of land, more or less.

All of Section 20-1/2, Block G&M-5, G&M Survey, Potter County, Texas, save and except a 62.50 acre tract taken by the United States of America by Judgment dated July 30, 1963, recorded in Volume 958, Page 442, Deed Records of Potter County, Texas, the remainder of said Section containing 109.4 acres of land, more or less.

All of the N/2 of Section 22, Block G&M-5, G&M Survey, Potter County, Texas, except that portion taken by the United States of America by Judgment dated July 30, 1963, recorded in Volume 958, Page 442, of the Deed Records of Potter County, Texas, the remainder of the N/2 of said Section containing 25.35 acres of land, more or less.

BLOCK M-20, G&M SURVEY, POTTER COUNTY, TEXAS:

All of the N/2 of Section 2, Block M-20, G&M Survey, Potter County, Texas, containing 320 acres of land, more or less.

All of Section 3, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 4, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 5, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 6, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 7, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 8, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 9, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 10, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 11, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 12, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 13, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 14, Block M-20, G&M Survey, Potter County, Texas, containing 627.4 acres of land, more or less.

All of that portion of Section 15, Block M-20, G&M Survey, Potter County, Texas lying South of the Alibates Road and East of the McBride Canyon Road, except a tract of land described as a 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas, and Section 101, Block 46, H&TC Survey, Potter County, Texas, as described in that certain conveyance dated 10 May 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the State of Texas, recorded in

Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

All of that portion of Section 16, Block M-20, G&M Survey, Potter County, Texas lying South and East of the McBride Canyon Road/Alibates Road, except a tract of land containing 15.177 acres, more or less, out of Section 16, Block M-20, G&M Survey, Potter County, Texas, as described in that certain conveyance dated 9 May 1967, from Mary Miles Batson and husband, J. Ernest Batson, to the State of Texas, recorded in Volume 1059, Page 548, of the Deed Records of Potter County, Texas; AND save and except a tract of land described as a 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas, and Section 101, Block 46, H&TC Survey, Potter County, Texas, as described in that certain conveyance dated 10 May 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the State of Texas, recorded in Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

All of Section 17, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 18, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 19, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 20, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 21, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 22, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 23, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of Section 24, Block M-20, G&M Survey, Potter County, Texas, containing 636.4 acres of land, more or less.

All of Section 25, Block M-20, G&M Survey, Potter County, Texas, containing 636.4 acres of land, more or less.

All of Section 26, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of that portion of Section 27, Block M-20, G&M Survey, Potter County, Texas lying West of State Highway 136, except that portion granted as a right-of-way for State Highway 136.

All of that portion of Section 28, Block M-20, G&M Survey, Potter County, Texas lying West of State Highway 136, except that portion granted as a right-of-way for State Highway 136.

All of Section 29, Block M-20, G&M Survey, Potter County, Texas, containing 640 acres of land, more or less.

All of that portion of Section 30, Block M-20, G&M Survey, Potter County, Texas lying South of Alibates Road, except a tract of land described as a 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas, and Section 101, Block 46, H&TC Survey, Potter County, Texas, as described in that certain conveyance dated 10 May 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the State of Texas, recorded in Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

All of that portion of Section 31, Block M-20, G&M Survey, Potter County, Texas lying South of the Alibates Road, except a tract of land containing 2.56 acres, more or less, out of Section 31, Block M-20, G&M Survey, Potter County, Texas, as described in that certain conveyance dated 24 September 1969, from Mary Miles Batson and husband, J. Ernest Batson and Joseph E. Batson, Jr. to the United States of America, recorded in Volume 1116, Page 478, of the Deed Records of Potter County, Texas.

All of that portion of Section 34, Block M-20, G&M Survey, Potter County, Texas lying South of Alibates Road, except a tract of land described as a 100.00 foot strip of land out of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter County, Texas, and Section 101, Block 46, H&TC Survey, Potter County, Texas, as described in that certain conveyance dated 10 May 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the State of Texas, recorded in Volume 1036, Page 309, of the Deed Records of Potter County, Texas.

1 All of Section 35, Block M-20, G&M Survey, Potter County,
2 Texas, containing 640 acres of land, more or less.

3 All of that portion of Section 36, Block M-20, G&M Survey,
4 Potter County, Texas lying West of State Highway 136, except that
5 portion granted as a right-of-way for State Highway 136; AND also
6 save and except a tract of land containing 8.034 acres, more or
7 less, out of Sections 36 and 37, Block M-20, G&M Survey, Potter
8 County, Texas, as described in that certain conveyance dated 23
9 September 1952, from Mary Miles Batson and husband, J. Ernest
10 Batson, to West Texas Gas Company, recorded in Volume 605, Page
11 133, of the Deed Records of Potter County, Texas; AND a tract of
12 land containing 4.3 acres, more or less, out of Section 36, Block
13 M-20, G&M Survey, Potter County, Texas, as described in that
14 certain conveyance dated 15 August 1938 from Mary Miles Batson and
15 husband, J. Ernest Batson, to Pioneer Natural Gas Company, recorded
16 in Volume 854, Page 229, of the Deed Records of Potter County,
17 Texas; AND two tracts of land containing 2.0 acres, more or less,
18 and 3.7 acres, more or less, out of Section 36, Block M-20, G&M
19 Survey, Potter County, Texas, as described in that certain
20 conveyance dated 22 July 1939, from Julian L. Bivins to West Texas
21 Gas Company, recorded in Volume 290, Page 446, of the Deed Records
22 of Potter County, Texas; AND save and except a tract of land
23 described as being 100 feet wide and 10,047.1 feet long as
24 described in that certain conveyance dated 29 December 1928, from
25 Lee Bivins to Potter County, State of Texas, recorded in Volume
26 203, Page 73, of the Deed Records of Potter County, Texas.

27 All of that portion of Section 37, Block M-20, G&M Survey,
28 Potter County, Texas lying South of the Alibates Road and West of
29 State Highway 136, except a tract of land, containing 8.034 acres,
30 more or less, out of Sections 36 and 37, Block M-20, G&M Survey,
31 Potter County, Texas, as described in that certain conveyance dated
32 23 September 1952, from Mary Miles Batson and husband, J. Ernest
33 Batson, to West Texas Gas Company, recorded in Volume 605, Page
34 133, of the Deed Records of Potter County, Texas; AND save and
35 except a tract of land described as a 100.00 foot strip of land out
36 of Sections 15, 16, 30, 34 and 37, Block M-20, G&M Survey, Potter
37 County, Texas, and Section 101, Block 46, H&TC Survey, Potter
38 County, Texas, as described in that certain conveyance dated 10 May
39 1966, from Mary Miles Batson and husband, J. Ernest Batson, to the
40 State of Texas, recorded in Volume 1036, Page 309, of the Deed
41 Records of Potter County, Texas.

42 BLOCK 46, H&TC SURVEY, POTTER COUNTY, TEXAS:

43 All of that portion of Section 103, Block 46, H&TC Survey,
44 Potter County, Texas lying South of the McBride Canyon Road, except
45 a tract of land containing 10.1271 acres, more or less, out of
46 Section 103, Block 46, H&TC Survey, Potter County, Texas, as
47 described in that certain conveyance dated 9 May 1967, from Mary
48 Miles Batson and husband, J. Ernest Batson, to the State of Texas,
49 recorded in Volume 1059, Page 548, of the Deed Records of Potter
50 County, Texas.

51 All of Section 105, Block 46, H&TC Survey, Potter County,
52 Texas, save and except a 620.35 acre tract taken by the United
53 States of America on July 30, 1963, by Judgment recorded in Volume
54 958, Page 442, Deed Records of Potter County, Texas, the remainder
55 of said Section containing 28.87 acres of land, more or less.

56 All of Section 106, Block 46, H&TC Survey, Potter County,
57 Texas, except the tract of land taken by the United States of
58 America by Judgment dated July 30, 1963, recorded in Volume 958,
59 Page 442, Deed Records of Potter County, Texas, the remainder of
60 said Section containing 111.99 acres of land, more or less.

61 All of Section 107, Block 46, H&TC Survey, Potter County,
62 Texas, save and except a 586.58 acre tract taken by the United
63 States of America on July 30, 1963, by Judgment recorded in Volume
64 958, Page 442, Deed Records of Potter County, Texas, the remainder
65 of said Section containing 53.42 acres of land, more or less.

66 All of Section 108, Block 46, H&TC Survey, Potter County,
67 Texas, except a 606.96 acre tract of land taken by the United
68 States of America by Judgment dated July 30, 1963, recorded in
69 Volume 958, Page 442, Deed Records of Potter County, Texas, the
70 remainder of said Section containing 33.04 acres of land, more or

1 less.

2 J. L. SUMMERS SURVEY, POTTER COUNTY, TEXAS:

3 All of that portion of Section 1, of the J. L. Summers
4 Survey, in Potter County, Texas lying West of State Highway 136,
5 except that portion granted as a right-of-way for State Highway
6 136.

7 BLOCK 1, SK&K SURVEY, POTTER COUNTY, TEXAS:

8 All of Section 22, Block 1, SK&K Survey, Potter County,
9 Texas, containing 643.9 acres of land, more or less.

10 All of Section 23, Block 1, SK&K Survey, Potter County,
11 Texas, containing 640 acres of land, more or less.

12 W. P. HILL SURVEY, POTTER COUNTY, TEXAS:

13 All of that portion of Section 5, W.P. Hill Survey, Potter
14 County, Texas lying South of the McBride Canyon Road, except a
15 tract of land out of the W. P. Hill Survey, Potter County, Texas,
16 as described in that certain conveyance dated 9 May 1967, from Mary
17 Miles Batson and husband, J. Ernest Batson, to the State of Texas,
18 recorded in Volume 1059, Page 548, of the Deed Records of Potter
19 County, Texas.

20 (c) The Parks and Wildlife Department may not purchase the
21 land described in Subsection (b) of this section for more than an
22 amount set by the Parks and Wildlife Commission, not to exceed the
23 appraised value of the land as established by a member of the
24 Appraisal Institute or an appraiser with comparable professional
25 qualifications.

26 (d) The Parks and Wildlife Department shall pay for the land
27 out of the game, fish, and water safety fund on approval of title
28 by the attorney general.

29 SECTION 15. NOTICE OF PURCHASE. (a) The Parks and Wildlife
30 Department shall notify the General Land Office when the department
31 has purchased 95 percent of the land described by Section 14 of
32 this Act.

33 (b) The Parks and Wildlife Department shall publish in the
34 Texas Register, not later than the 30th day after the purchase of
35 95 percent of the land described by Section 14 of this Act has been
36 made, notice of that purchase.

37 SECTION 16. APPROPRIATION. An amount not to exceed the
38 appraised value of the land described by Section 14 of this Act is
39 appropriated from the balance of the game, fish, and water safety
40 fund not otherwise appropriated to the Parks and Wildlife
41 Department for the biennium ending August 31, 1991, for the sole
42 purchase of that land. The appropriation made by this section
43 expires August 31, 1991.

44 SECTION 17. SALE TO UNITED STATES DEPARTMENT OF THE
45 INTERIOR. (a) If the Parks and Wildlife Department purchases the
46 land described by Section 14 of this Act, the department shall sell
47 that land to the United States Department of the Interior if the
48 department of the interior:

49 (1) agrees to limit use of the land to wildlife
50 management and recreation;

51 (2) purchases the entire tract of land;

52 (3) pays in cash a purchase price not less than the
53 sum of:

54 (A) the total amount the Parks and Wildlife
55 Department paid for the land;

56 (B) the cost of any improvements made by the
57 Parks and Wildlife Department on the land; and

58 (C) interest on those amounts at the rate under
59 Subdivision (1), Section (a), Article 1.04, Title 79, Revised
60 Statutes (Article 5069-1.04, Vernon's Texas Civil Statutes), in
61 effect for the week in which the department of the interior
62 purchases the land; and

63 (4) purchases the land on or before August 1, 1993.

64 (b) The conveyance to the United States Department of the
65 Interior must contain a restriction limiting the use of the land
66 sold under this section to wildlife management and recreation.

67 (c) Proceeds from the sale of land under this section shall
68 be deposited in the game, fish, and water safety fund.

69 SECTION 18. AMENDMENT. Chapter 82, Parks and Wildlife Code,
70 is amended by adding Subchapter P to read as follows:

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

4/23/90 10:04
(date)/(time)

Sir:

We, your Committee on ADMINISTRATION to which was referred

S.B. 58 by Bivins have on 4/23/90, 19 , had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

✓ do pass and be printed

() do pass and be ordered not printed

() and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no


Considered by subcommittee. ☐ yes ☐ no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Sims, Chairman	✓			
Brooks, Vice Chairman	✓			
Caperton	✓			
Edwards				✓
Glasgow	✓			
Harris	✓			
McFarland	✓			
Montford			✓	
Parker	✓			
Parmer				✓
Santiesteban				✓
TOTAL VOTES	7		1	3

Handeen Sabooty
COMMITTEE CLERK


CHAIRMAN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 20, 1990

TO: Honorable Bill Sims, Chairman
Committee on Administration
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 58,
Fourth Called Session
By: Bivins

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 58, Fourth Called Session (relating to property rights in, and the establishment of a wildlife management area along and in the vicinity of, the Canadian River bed; making an appropriation) this office has determined the following:

The bill would appropriate to the Parks and Wildlife Department out of the Game, Fish, and Water Safety Fund No. 009 for the biennium ending August 31, 1991 an amount not to exceed the appraised value of the land authorized to be purchased by the bill. This amount is estimated to be \$4.5 million. The bill would authorize the purchase of the land and the establishment of a recreational and wildlife management area to be known as the Alibates Ranch Wildlife Management Area.

Certain riparian land-owners on the Canadian River in Potter and Carson Counties would have a preferential right to purchase a qualified tract that abuts the owner's riparian tract. It has been estimated that \$1.5 million would be deposited to the Game, Fish, and Water Safety Fund from the sale of such land. The General Land Office would appraise qualified tracts of land to determine the fair market value of each.

The bill also provides for the deposit of proceeds from sand and gravel sales from the Alibates Ranch Wildlife Management Area to the Game, Fish, and Water Safety Fund. Revenue from these sales is estimated to be \$100,000 per year.

The Parks and Wildlife Department anticipates some additional costs for maintenance or oversight of the land but these costs cannot be determined.

If the Parks and Wildlife Department purchases the land described in the bill, the Department would be required to sell that land to the United States Department of the Interior. The conveyance to the Department of the Interior would contain a restriction limiting the use of the land sold to wildlife management and recreation. Proceeds from the sale of the land would be deposited to the Game, Fish, and Water Safety Fund.

The fiscal implications to units of local government cannot be determined.

Source: Parks and Wildlife Department;
LBB Staff: JO, JWH, AL, JG, NH

A BILL TO BE ENTITLED

AN ACT: relating to property rights in, and the establishment of a wildlife management area along and in the vicinity of, the Canadian River bed; making an appropriation.

4-8-90 Filed with the Secretary of the Senate

APR 9 1990

Read and referred to Committee on NATURAL RESOURCES

APR 18 1990
APR 23 1990

referred ADMINISTRATION

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ yeas, ____ nays

Read second time, _____, and ordered engrossed by:

unanimous consent
a viva voce vote

____ yeas, ____ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of ____ yeas, ____ nays.

Read third time, _____, and passed by ____ yeas, ____ nays.

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk _____

Received from the Senate

Read first time and referred to Committee on _____

Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars _____

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of ____ yeas, ____ nays ____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ____ yeas, ____ nays ____ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of

____ yeas, ____ nays ____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, _____, and _____.

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged .

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

NR 5